

Remarks

Claim 34 has been cancelled without prejudice or disclaimer. Claim 1 has been amended and new claim 35 has been added. The amendments to claim 1 add the features that (1) the anti-skid additive is present in the at least one layer in an amount of from about 0.1 to about 10% by weight and (2) the anti-skid additive does not induce lensing or micro-perforation formation in the elastomeric film both during formation and use of the film. Support for these amendments may be found in cancelled claim 34 and in Applicants' published specification at, *inter alia*, paragraph [0054]. Further support for these amendments can be found in Example II, wherein Applicants have provided data demonstrating the mechanical properties of select films representing specific embodiments of the present invention. The data provided in Example II (*e.g.*, the impact resistance and puncture resistance test results) demonstrates that incorporation of an anti-skid additive possessing the claimed properties did not induce lensing or micro-perforation formation either during formation or use of the films. Applicants therefore submit that no new matter has been added by the amendments to claim 1. New claim 35 recites an elastomeric film where the anti-skid additive is dispersed within the at least one layer. Support for this claim may be found in Applicants' published specification at, *inter alia*, at paragraph [0055]. Applicants therefore submit that no new matter has been added by the addition of claim 35.

1. Examiner Interviews

Applicants and the undersigned gratefully acknowledge the Examiner's participation in a telephonic interview on August 1, 2006 with the undersigned, Clark Holden, Stephanie White, Roger Tambay, Ludovic Leplatots and Julien Lefebvre to discuss the patentability of the pending claims. Applicants acknowledge receipt of the resulting Examiner Interview Summary document that was generated by the Examiner. The undersigned also appreciates the Examiner's willingness to consider the two proposed claims that were faxed to the Examiner on August 18, 2006 as well as the subsequent discussions between the undersigned and the Examiner to discuss the proposed claims in greater detail.

2. Rejections under 35 U.S.C. § 103(a)

- A. Mandzsu in view of Altshuler and Lefebvre as evidenced by Miyashita**
- B. Mandzsu in view of Altshuler and Lefebvre as evidenced by Miyashita and further in view of Erderly**

- C. **Mandzsu in view of Altshuler and Lefebvre as evidenced by Miyashita and further in view of Falla**
- D. **Mandzsu in view of Altshuler and Lefebvre as evidenced by Miyashita and further in view of Karaiwa**
- E. **Mandzsu in view of Altshuler and Lefebvre as evidenced by Miyashita and further in view of Anthony**
- F. **Mandzsu in view of Altshuler and Lefebvre as evidenced by Miyashita and further in view of Erickson**

Applicants respectfully direct the Examiner to the filed response on June 28, 2006, in which the rejections of the pending claims over the above-identified references were addressed. Claim 1 has now been further amended to recite that the anti-skid additive does not induce lensing or micro-perforation formation in the elastomeric film both during formation and use of the film. Applicants submit that this added feature to claim 1 even further distinguishes Applicants' claimed invention to the inventions described in the Mandzsu, Altshuler, Lefebvre and Miyashita references. More specifically, Applicants submit that if the elastomeric film described in Lefebvre were to be used in combination with the particles described in either Mandzsu or Altshuler, lensing or micro-perforations would necessarily result. In contrast, and as demonstrated, *inter alia*, in Example II of the instant application, incorporation of an anti-skid additive possessing the presently claimed properties in the elastomeric films of the present invention does not induce lensing or micro-perforation formation either during formation or use of the film. Therefore, none of these references, either alone or in combination, teaches or suggests Applicants' claimed invention.

Further, new claim 35 recites the feature that the anti-skid additive is dispersed within the elastomeric film. Neither Mandzsu, Altshuler, Lefebvre or Miyashita, either alone or in combination, teaches or suggests this particular feature.

3. **Newly Identified References**

The Examiner has identified two new references as being potentially pertinent to the pending claims: U.S. Patents 6,579,607 to Gozukara *et al.* ("Gozukara") and 5,852,135 to Kanai *et al.* ("Kanai").

Applicants believe that the claimed invention can be distinguished from Gozukara for at least the following reasons:

Gozukara describes controlled permeability films comprising spherical and/or nonporous filler particles having a size greater than the intrinsic thickness of the films, which films are treated to modify the films' permeability characteristics. According to Gozukara, the films are treated according to the method described in International PCT published Application No. WO92/02580. One difference between WO92/02580 and Gozukara is that the filler particles used in Gozukara are nonporous, whereas the particles used in WO 92/02580 are porous. In WO92/02580, it is indicated that films containing the filler particles are treated with a surface modifying agent (chemical or physical) in order to control the permeability characteristics of the film. The effect of the surface modifying agent is to alter film thickness by forming depressions, "which may impart microperforations to the controlled permeability film" (see, *e.g.*, page 5, lines 13-18 of WO92/02580). These microperforations cause the desired modification in the permeability characteristics of the film. As such, Gozukara can be considered to specifically teach away from the present invention. Thus, Gozukara, either alone or in combination with the other references cited, does not teach or suggest Applicants' claimed invention.

Applicants believe that the claimed invention can be distinguished from Kanai for at least the following reasons:

Kanai describes a thermoplastic resin composition that includes a modified polyacetal. The object of the Kanai invention is to provide a resin composition that imparts the characteristics of a polyacetal to a thermoplastic resin. Kanai does not teach or suggest an elastomeric film comprising an anti-skid additive. Thus, Kanai, either alone or in combination with the other references cited, does not teach or suggest Applicants' claimed invention.

4. **Conclusion**

Applicants believe that all of the claims are in a condition for allowance and respectfully request a favorable action on the merits. Should the Examiner feel that there are any issues outstanding after consideration of this amendment, she is invited to contact Applicants' undersigned representative to expedite prosecution.

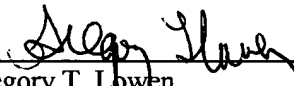
Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **August 31, 2006**

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